

Appln No.: U.S. 10/019,367  
Amdt dated: September 8, 2004  
Final Action of July 12, 2004

### **REMARKS**

Claims 32 to 39 are in the case.

Applicant draws to the Examiner's attention that this Amendment has been filed within the two months period of the mailing date of the Final Action. Applicant respectfully requests that a timely advisory action be issued on the above noted application.

### **Rejection under 35 USC 112**

Claims 23 -31 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the claims contain subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant has amended the claims to further clarify the valve means identified by the Examiner. In view of this amendment, and Applicant's comments below, Applicant respectfully submits that the basis for this objection has been obviated. Withdrawal of the same is therefore respectfully requested.

The amendments to the claims is believed to have rectified the incorrect identification of first and second valve means relative to the gas and liquid. More particularly, as presented new claim 32, the single independent claim in the application, requires in an apparatus for dispensing a liquid mist from a container holding a gas and a liquid, that wherein the improvement includes a container for holding a gas and a liquid under pressure, a valve means, a nozzle and a flexible hose extending between and

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connected to the nozzle for feeding the liquid and the gas separately to the nozzle. As noted above, the identification of the first and second valve members with respect to the gas and liquid has been effected whereby the first valve member controls the flow of liquid from the container through the hose and the second valve member controls the flow of gas from the container through the hose.

A representative example of this construction is illustrated in Figure 8, and as described on page 7, of the original PCT application.

Notwithstanding the above noted amendments to the claims, it is respectfully submitted that the specification does in fact sufficiently describe the claimed subject matter by way of the preferred embodiment and as illustrated in the drawing figures. Such description and illustrated figures would enable a person skilled in the art, to which the invention pertains, to make and use the invention as currently claimed, and that the inventor had possession of the claimed subject matter at the time of the filing of the application. It is respectfully submitted that the currently claimed invention operates as to what is disclosed and shown as provided for in the specification.

With respect to the dependent claims, presented herein-above as new claims 33 to 39, Applicant offers the following comments:

The essence of the subject matter of the previously presented claims (24, 26, 27, 29 and 30) has been retained and has been re-cast to reflect the revisions to the single independent claim 32. In particular, the dependent claims presented by way of the present invention include further defined terminology corresponding to the revised terminology used in independent claim 32.

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With the amendments effected to original claim 25, now presented as new claim 34, and the cancellation of original claim 28, the objections to these claims are avoided.

The objection to original claim 29, now presented as new claim 37, is avoided by new claim 32.

**Rejection under 35 USC 102(b)**

Claims 23 to 31 stands rejected under 35 USC 102(b) over Lee. Applicant respectfully traverses the rejection in view of the amended claims and the following comments:

It is believed that the newly presented claim 32 completely distinguishes over the reference Lee '689. Lee has two separate valves, the valve assembly 16 and the check valve assembly 18. It is noted that while valve 18 does control the flow of air, it is an entirely separate valve and is mainly concerned with the prevention of back flow of liquid into the air supply (see column 3, line 59 to column 4, line 3). In operation, Lee's valve 18 is opened by the reduction of the liquid pressure occurring on opening of valve 16, resulting in a reduction in pressure above valve 18. The actuating member - nozzle 14, only acts directly on the liquid control valve.

Furthermore, in Lee, delivery of the liquid and gas to a nozzle is different than the claimed arrangement of the present invention; there is no equivalent of the nozzle of the present application, with the mixing chamber having radial liquid inlet and actual air inlet the air infringing on the liquid for atomization. In Lee both air and liquid flow through the inlet of bore 26 through the inlet and atomization occurs as a mixed gas and liquid exit through the aperture of the nozzle 14.

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No new matter has been added by way of the present amendment(s).

Applicant believes that this application is now in good condition for allowance and early action to this end is earnestly solicited. However, should there be any remaining issue with respect to the Final Action whatsoever, then the Examiner is invited to contact the undersigned as soon as possible so that the matter may receive immediate attention in the interests of the Applicant obtaining an allowance as early as possible.

Respectfully submitted,

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